

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE
WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF
NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Kansas City District

FILE NUMBER: 200500473

REGULATORY PROJECT MANAGER: Donahue

Date: 03 Jan 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) **Date:**
 At the project site _Y_ (Y/N) **Date:** 29 Dec 2004

PROJECT LOCATION INFORMATION:

State: Missouri
 County: Clay
 Center coordinates of site by latitude & longitudinal coordinates: Lat 39-21-20, Long 94-28-48
 Approximate size of site/property (including uplands & in acres): 135 acres
 Name of waterway or watershed: Tributary to Brushy Creek

SITE CONDITIONS: Pasture with woody ravines, 2 stream channels and 4 isolated farm ponds.

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type) Farm ponds- 4 ea, 3 sites	X								

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?		X			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved _X_.

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD: Field report with photos and aerial and topographic maps. None of the sites exhibited an ordinary high water mark between the stream and the pond.

Site 2, 0.5 acre open water pond constructed to catch sheet flow on hillside above the stream channel.

Site 3, combined 0.3 acreage, 2 isolated shallow ponds/ cattle wallows catching sheet flow pasture east of stream channel.

Site 4, 0.5 acre isolated open water pond on hillside in the SE portion of the site.

Migratory bird use predicted at site 2 based on presence of duck decoys on pond.

Topographic and aerial of site attached.